

REMARKS

The Examiner is thanked for this Office Action, and especially for his helpful comments. Claims 3, 4, 27 and 28 are pending. Both of the independent claims have been amended to clarify the invention by more clearly reciting the physical aspects of the method and computer program. The dependent claims have been amended only in formal respects, to replace the use of "the" with "said". Reconsideration in view of the amendments and of the following remarks is respectfully requested.

35 U.S.C. § 102, Anticipation

The Office Action rejects claims 3-4, 27-28 under 35 U.S.C. § 103(b) as unpatentable over Tognazzini (US Pat. 5,739,512). This rejection is respectfully traversed.

In the latest Office Action, the Response to Applicant's Arguments states,

"it is the examiner's position that Tognazzini does teach "updating an inventory" by producing reports that summarize at least some of the electronic receipt transactions (col. 6, lines 55-67; col. 2, lines 64 and 65). By formulating an expense report and updating accounting records as disclosed by Tognazzini in col. 2, lines 64 and 65, an inventory of the transaction activity/history is inherently accomplished."

Tognazzini is not concerned with inventory control. It is asserted that, in equating the expense report of Tognazzini with the claimed inventory, an "inventory" is being defined in much broader terms than one of ordinary skill in the art would do. However, the claims have now been amended to more clearly recite aspects of the transaction that are not shown by Tognazzini. This inventory concerns physical items that are for sale; items are removed from the inventory when they are delivered to the consumer (not when they are sold). Exemplary Claim 3 now reads,

3. (Amended) A method for maintaining inventory records of products being sold, the method comprising the computer-implemented steps of:
 - providing inventory records corresponding to a plurality of products for sale;
 - processing a purchase transaction for a first product of said plurality of products;
 - generating an electronic receipt comprising data concerning the purchase transaction;
 - storing said electronic receipt on a removable storage medium;
 - at a different time or place, reading said electronic receipt from said removable storage medium;
 - validating said electronic receipt; and
 - in response to validating said electronic receipt,

providing an indication to proceed with a delivery of said first product
and
updating an inventory record corresponding to said first product to
reflect the delivery of said first product.

It is believed that the amendments submitted herein clarify the differences to the extent that Tognazzini can clearly no longer be read on the claims.

For example, the claims recite "providing inventory records corresponding to a plurality of products for sale". Tognazzini's so-called "inventory records" correspond to the sales transactions, not to the products themselves. This is further shown in that Tognazzini is asserted to teach updating an inventory "by producing reports that summarize at least some of the electronic receipt transactions"¹. It has not been asserted that Tognazzini shows inventory records corresponding to the products themselves, yet this is the context in which the specification discusses and the claims recite an inventory.

Further, the claim recites, "updating an inventory record corresponding to said first product to reflect the delivery of said first product". Tognazzini discloses creating the receipts (the "inventory records") when the sale is made, but this patent does not disclose updating the records when the product delivered.

Rejection under §102 requires that every limitation is contained within a single reference. Tognazzini does not disclose at least the limitations discussed above. Neither does Tognazzini suggest modifications that might meet the claim limitations. This rejection is overcome.

¹ Office Action of 01/29/2003, page 1, item 2

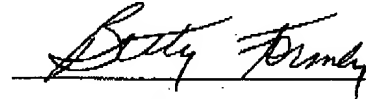
Conclusion

It is respectfully urged that the rejections have been overcome and that the claimed subject matter is patentable over Tognazzini and is now in condition for allowance.

The examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

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Respectfully submitted,



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